App F IX 4

Previous References

1946 46
(mil)

File No [redacted] 81-
Serial Nos 3 4

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

two

Part B for Sephus

SUBJECT

Suspending Re resolution of the Avissawella town municipal council to prosecute Mr Seddaramapha for alleged violation of the condition of a license granted to him for constructing a Compound wall with Gate

L 9054 B 9 4 47

Re D-C Hassan-

Requires the D-C's Orders in the matter of

From The D c Hassan dt

No DE c 5B 4/44 d 27-6-45
Requests approval to his action in having furnished the plg of the Brothers Town ml cl not to take action, as resolved by the ml cl, to prosecute one Sri Siddanna Setty for not having constructed gates to the compd wall as per design shown in the original plan

1) The D c's report is submitted for perusal in the circumstances stated therein, & a draft letter is submitted approving the action of the D c in this respect

2) The opinion of the Law Secretary will be obtained on the proposal of the D c Hassan District - in the first instance

Addl Secy to Govt
17/7/45

3) a) Under what Section of the Town Municipalities Act is the D C empowered to interfere?

b) Is this a case in which, his interference is called for?

c) Would not D C's interference

amount to Curtailing the powers vested in the M/C Council by the Act?

4/ Point of reference

Lows
17/7/45

5/ under section 194(1) of the Nyasa Townships Act, 1933, the D C is empowered to ~~prohibit~~ the execution of any resolution of the municipal council under the circumstances therein mentioned is perhaps one of such circumstances in which the D C's action is called for

As required under section 194(2) of the said Act, the D C has made a report to prot ~~for approval~~ in this behalf and requests approval to his ~~action~~ action accordingly subject with reference to paras 3+4 supra

Mw 18/7/45 — See 194(1) of The Township Act as the only section under which the D C Township Rule is Complete

to take action in these cases.
It is however seen that he has not complied with the provisions of the act a public hearing was held and no order in writing suspending the rights of the licensee dated 26-5-194 This is a fit case in which the D of S intervence is called for & the Ml cl has resolved That the proposed action is taken and under the act of the Damodar Valley Act 1933 the President is the executive head of the DVC and he has power to grant the licenses prayed for. It is needless for the Ml cl to say that the President's action in granting the licenses notwithstanding etc. In the circumstances, in order to facilitate further action being taken, the Dos attention will be invited to the provisions of Sec 194 of the Act & he will be requested to take action accordingly, if he deems it necessary first consent approve of his action in the form in which the proposal is made to put

9) Draft for approval
para 3 Telegram
A D Secy
Pol Dept

WD 02139—GPB—20 000—26 2 45

C F 69]

Continuation Sheet | File No / Current No 46/L √ 6182 of L | Page

Dft letter to DC for perusal before issue

Minister for Agr) Sd 23/7

OFFICE OF THE MINISTER FOR AGRICULTURE
AUG 24 1945
No 700

11 MD 6/8

Sd 7/8

12 Sd 7/8

3 AUG 1945
GEN. & REV SECTT

To,

The D C Hassan

L 1496-8-30/6

Issue as draft sent in the letter in the matter

Letter No Misl-C 4146/44-45 Dt 1-3-46 from the Deputy Commissioner, Hassan District forwarding for perusal a Copy of the order passed by him suspending the resolution of the Arsikere Town Municipal Council under section 194 of the Town Matters Act 1933, resolving to prosecute one Sri Siddayanappa of the place for having constructed a Compound wall with iron gates etc

13 submitted for perusal

VKB 18/4

(11) The order passed by to DC Hassan dtd on 1/3/46 suspending the resolution of the

25-42 Law

6182

Practice Summons to

D S-C seeking to prosecute

Mr A C. for advertising for hemp

postage gate - in the Compound with

this house as for perusal of this

1963/25/4 beempassed by the more Sec 1941 (1)

of the Supreme Law of this Act

15) more subsection (2) thereof, the

first may either rescind the order or

direct that it may continue in force

with or without modification permanently or

for such period as it thinks fit But it

is subject to the proviso that the pl

shall be given reasonable opportunity

of showing Cause against the said order

16) Service to Practice summons will

have to be effected, then the D C Warrant

to show cause (or) order prosecution end of May 46

suspension order may not be enforced

17) Due to meanwhile, the power of the

Law section may not be exercised if the order

Flag E passed by the D C Warrant post is in end

18) Yes new Reg Law 23/Sept 46

19) For forwarding purpose 24/4

Asst Reg Law section only 26/Sept 46

6182
2

subst

20) The Deputy Commissioner has power to confirm the resolution of the Municipality with or without modification or he may refuse to confirm the same. He has also power to direct the Municipality to carry out the provisions of the Act or may himself carry out the provisions of the Act and recover the cost from the Municipality. Before the Deputy Commissioner takes action he should give an opportunity to the Municipality to show cause why action should not be taken. (Vide sub-section (2) of Section 194 of the Town Municipalities Act)

21) For the reasons given in the Order (Page 6) the Deputy Commissioner has suspended the resolution of the Municipality under Section 194 of the Bijapur Town Municipalities Act. He has power as also under clause (1) of Section 194 to confirm or modify it after giving the Municipal Council reasonable opportunity of showing cause against the order. [Vide clause (2) of Section 194]

339/mel

J 618d/L — 339/mel — 47-48

22) Submitted with a draft letter for approval or orders

11/5

23) Minister for Rev

Rev 7/11/5

CHIEF MINISTER FOR AGRICULTURE
MAY 10 1947
No 7195

Minister for Rev 24) Secy 14/5

25) Secy 17/5

Secy 20/5

Secy

20/5/46

To The Dy Commr Hassan Dt

No L 13033 dt 23-5-46

21 MAY 1946
FCR & REV SECTT

Requests him to obtain & forward the opinion of the Mc as to why the order of the Dy Commr may not be confirmed by the Govt

Secy A 29/5

From

The Dy Commr, Hassan District

No Mlc 4146/46 dated 12-7-47

Forwards an extract of the Resolution dated 31-7-46 of the Arsikere town municipal Council accepting the order of the D C suspending the Resolution of the Municipal Council in question

26) The Resolution of the municipal Council is for send perusal Has action in the matter of Confirmation of the D C's order

Sec 18/7/47

339
mel

27) Since the Minister Immediate
hereby, resolve dated 31/7/46,
Flag E accepts the order of suspension
passed by the Board transactions under
Sec 194 (1) of the Income Tax Act 1933,
the order of the Board may be confirmed
under Sec (2) of section 194 of the Act
27) Reference paras 8, 10, 11, 21 supra

Revenue Law
29/7/47

Memorandum
Confirmed as recommended
by the Board - Minister
Dated 12/7/47

OFFICE OF THE MINISTER
FOR REVENUE
No 1115
Dat 28/7/47

Minister
Rec'd Comm

28/7/47
29/7/47

28/7

A draft letter to the Board
Hansard Statement put up for
approval or other orders

29/7/47

28/7/47

3/8/47 Wgtn

29/7/47

A Draft Letter put up as
the Report is not suitable & requires
to be revised

29/8/47

339/mls

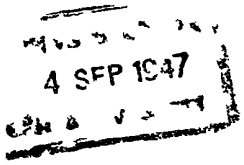
A Revised Draft GO = mtg rep

gpsue

2/9/47

3/9/47

3/9/47



GO no L 9054/ml 81-46-4 Dt 9 9 47.

Confirms the Resolution of the rel cl

to the GC Standard Dt

PD 26 9-47

Appendix F G —1]

SUBJECT

Diary No of letter r plied to

General and Revenue Secretariat

(

the 194

Date of issue 30/8/45

Signed by M S Rao

List of enclosures

Copied by

Examined by

Section P&L

File No 1296-45

Serial No 2 —

No L-1496

To

The D C Hassandola

Sir,

With reference to your letter no NC c 584/44 G dt 27/8/45 requesting approval to your action in having prosecuted the President of the Nawalapitiya Local Board to withdraw the prosecution instituted by the Local Board, for having constructed a compound wall within nine yards of a main road and directed to quote reference to section 194 of the T.P. Act

WD 0741—GPB—15 COC—30 10-44

to the Treasury
1933 accordingly which you are empowered
to issue orders suspending the restriction
of the rule in this behalf, and I ~~to~~ you re-
~~request you to take further action~~
~~in compliance with the provisions of section~~
~~accordingly~~ ~~It was not necessary that you~~
~~to have approved but that the approved~~
~~approval in connection with the~~
~~action taken by you, as stated therein~~
I am to add that no orders could be passed
by Govt at this stage

I have etc

JBNS 23/7/45

Recnts accompany Assistant Secretary

1694

1945

ML 128-45-

From the file it is seen that the records in question have been returned to the D. C. along with a letter issuing instructions

1694/P

re the matter of Prosecuting Mr Siddanama Sekf-

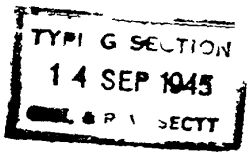
sends with a draft letter for approval

13/9.

13/9/45

Secretary
for
13/9/45

Secretary MO L20647 By 15/9/45



No L 2047 15/9/44

To The Dy Comm Hassan Dt

Sir,

With reference to your letter No M L.C. 564/44-45 dt 8-9-45, I am directed to state that the records relating to the construction of a compound wall with gates by one Mr Siddarama Setty in the Arsikere Town ~~must~~ have already been sent along with letter No R 1496/Misl 128 45-2 dt 30-8-45 issuing instructions in ~~this~~ behalf & that they are not ~~available~~ reclaimed here.

I have etc

for

Dy Comm Hassan Dt

13/9

Office of the Deputy Commissioner,
Hassan District,
Dated Hassan, the 1st March 1946

No Ml C 4146/44-45

6182

Reference -

(1) Report No 2/44 dated 29-5-45 from the President, Town Municipa Council, Arsikere re grant of license to Mr B C Siddararappa, merchant, Arsikere for having constructed a compound wall with more gates etc

(2) Letter No L 1496 dated 30-8-45 from the Additional Secretary Government requesting to take action as per provisions of Sec 194 of the Town Municipal Regulation 1933 etc

---

Order

Mr B C Siddaramappa applied for a license to construct a compound and the ~~the~~ license was duly granted on 23 9 44 by the President as usual under power vested in him as per the Municipal Act After six mon a show cause notice was issued by the Municipal President to give satisfaction to the Council for having violated the plan in putting up gates in the compound wall Later, Mr B C Siddararappa applied for license to provide gates with a modified plan The Amildar President after spot inspection has granted the party license to open gates This was on 4-5-4 The Municipal Council at their meeting held on 26-5-45 have resolved to prosecute Mr B C Siddararappa The action of the Municipal Council in resolving that the licensee should be prosecuted appears to be inequitab and causing unnecessary annoyance to the party particularly when the ~~xxx~~ ~~xxxxxxxx~~ construction of the compound vall with gates has been approve and ratified by the President

I have perused this record and also rade enquiries The whole thin has been done on account of personal prejudices The resolution of the Municipal Council is inequitable and is therefore suspended under Secti 194 of the Municipal Act

Sd/- H Niranjan Raj U
Deputy Commissioner,
Hassan District

Memo

1 Copy is forwarded with compliments to the Revenue Secretary to Govt Bangalore with reference to his letter No L 1496 dated 30-8-45 for kind perusal

2 Copy is forwarded to the President, Town Municipal Council, Arsikere in continuation of this office Memo of even No dated 27-6-1945

Niranjan Raj
Deputy Commissioner,
Hassan District
1/8/46

L 13033 & 23 S 46

To

The Deputy Commissioner
Harrismith District

Sir,

With reference to
your ~~letter~~ memo No 11/1 C 4/14
(Lic 45) dated 7 3 46
suspending the registration of
the Arathoon Timber el
to prosecute one MC
B C for drawbacks for the
alleged violation of the conditions
of a license granted to him
for constructing a compound walk
with gates etc, I am direct
to request that a copy of
the order suspending the regis
of the said ~~Messrs~~ Messrs be
forwarded to the President, Transvaal
Timber Co in accordance
with Sec 194 (2) of the
Transvaal Act of 33

G R S App F VI—G 21

MJ 81-46-3

C F No 46

GOVERNMENT OF MYSORE

No. C 4146/44-45 **OFFICE OF** the Deputy Commissioner,
Encls Hassan District,

Date 12th July 1947

To
The Revenue Secretary to Government,
Revenue Department,
Bangalore.

No 339
17 JUL 1947

Sir,

Re suspension of the resolution of Arsikere Town Municipal Council about the prosecution of Mr B C Siddaramappa

---

With reference to your letter No L 13033 dated 23 5 1946 requesting me to obtain and forward the opinion of the Municipal council as to why the order of this office, suspending the resolution of Arsikere Town Municipal Council about the prosecution of Mr B C Siddaramappa for violating the ~~xxxxxxxx~~ conditions of the licence granted to him for constructing a compound wall, may not be confirmed, I have the honour to forward herewith a copy of the resolution of the Municipal Council dated 31 7 46 accepting the order of suspension

I request that the order of suspension may kindly be confirmed and orders of Government communicated to me early

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Hassan District

G R S App F VI—G 2]

SUBJECT

3 Copys

ent

Diary No of letter replied to 339/ml

Section GN1

File No 81-46

Serial No 4

General and Revenue Secretariat

( )

the *19*

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 9 9. 1945

Signed by Mr G R Rao

Read—

Letter No Ml c 564/ml-45 dated 27-6-45 from the D c Hassan Dt requesting on the circumstances stated approval of Govt, to his action on having instructed the Prosecutor

Order thereon.—No of the Narasimharajapura Town Municipal Council not to implement the Resolution dated 26 5 45 of the municipal Council to prosecute one Mr Mr B c Siddaramappa for alleged Violation of the condition of a license granted to him;

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette English Part?

(iv) translated?

(v) placed at the disposal of the Press?

(vi) published in the Gazette Kannada Part?

for Constructing a Compound Wall with gates etc, to his House

2) Memo no Rl e 4146/4645 dated 1-3-46 from the same officer forwarding a copy of -hes order Suspending the above Resolution of the Municipal Council under Sec 194 (1) of the M T M A

3) ~~Letter~~ Letter no Rl e 4146/4645 dated 12-7-47 from the Dy e, Harihar Dt forwarding a Copy of the Resolution dated 31-7-46 of the Harihara Town Municipal Council accepting the said order of Suspension of the Dy e orders no L 9054/Rl 81-46 9.9.47

In the circumstances stated, the order of the Dy e Suspending the Resolution dated 26-5-45 of the Harihara Town Municipal Council is confirmed under sub (3) of Sec 194 M T M A 1922

List of Enclosures

Copied by

Examined by

WD 03696—GPB—30 000—2 2 40

9/8 Rlls Shes
Re-19

PROCEEDINGS OF THE GOVERN

THE MAHARAJA OF MYSORE

P L A D -

Letter No M.C.564/ -45 dated 27-6-1945 from the Deputy Commissioner, Hassan District, requesting in the circumstances stated approval of Government to his action in having instructed the President of the Arasikere Town Municipal Council not to implement the resolution dated 26-5-1945 of the Municipal Council to prosecute one Mr B C Hillaramappa for alleged violation of the condition of a license granted to him for constructing a compound wall with gates, etc , to his house

2 Memo No M C 4146/44-45 dated 1-3-1946 from the same officer forwarding a copy of his order suspending the above resolution of the Municipal Council under section 194 (1) M T M A

3 Correspondence ending with letter No. M.C 4146/ 44-45 dated 12th July 1946 from the Deputy Commissioner, Hassan District, forwarding a copy of the resolution dated 31-7-1946 of the Arasikere Town Municipal Council accepting the said order of suspension of the Deputy Commissioner

ORDER NO L 9054/ML 81-46-4

Bangalore, Dated, the 9th September 1947

In the circumstances stated, the order of the Deputy Commissioner, Hassan District, suspending the resolution dated 26-5-1945 of the Arasikere Town Municipal Council is confirmed under clause (2) of section 194, Mysore Town Municipalities Act, 1933.

For REVENUE SECRETARY TO GOVERNMENT.

To

The Deputy Commissioner, Hassan District, with records

SFG3

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

R E A D:-

Letter No.Ml.C.564/44-45 dated 27-6-1945 from the Deputy Commissioner, Hassan District, requesting in the circumstances stated approval of Government to his action in having instructed the President of the Arasikere Town Municipal Council not to implement the resolution dated 26-5-1945 of the Municipal Council to prosecute one Mr B C Siddaramappa for alleged violation of the condition of a license granted to him for constructing a compound wall with gates, etc., to his house.

2 Memo No Ml C 4146/44-45 dated 1-3-1946 from the same officer forwarding a copy of his order suspending the above resolution of the Municipal Council under Section194 (1) M T M A

3 Correspondence ending with letter No Ml C 4146/44-45 dated 12th July 1947 from the Deputy Commissioner, Hassan District, forwarding a copy of the resolution dated 31-7-1946 of the Arasikere Town Municipa Council accepting the said order of suspension of the Deputy Commission

ORDER NO L 9054/Ml 87-46-9

Bangalore, Dated, the 9th September 1947

In the circumstances stated, the order of the Deputy Commissioner, Hassan District, suspending the resolution dated 26-5-1945 of the Arasikere Town Municipal Council is confirmed under ~~1~~ clause (2) of Section 194, Mysore Town Municipalities Act, 1933

For REVENUE SECRETARY TO GOVERNMENT

To

The Deputy Commissioner, Hassan District, with records

SKG3